

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Simpson,

Plaintiff,

—v—

Keyser,

Defendants.

20-cv-6408 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 21, 2021, the Court ordered Petitioner to, within 60 days, either show cause why his claims challenging the imposition of his Bronx County sentences should not be transferred to the United States Court of Appeals for the Second Circuit as second or successive, submit written notification to the Court of his withdrawal of his remaining claims for § 2254 habeas corpus relief, or submit an amended petition for a writ of habeas corpus under § 2254 containing the information specified above. Dkt. No. 12.

On July 23, 2021, Petitioner submitted a motion for the Court to stay the proceedings indefinitely while he obtains certain documentary evidence and other proof to support his claims. Dkt. No. 13. The Court ordered Respondent to file a response by August 10, 2021. Dkt. No. 14. Counsel for Respondent, the Office of the Attorney General of the State of New York and the Office of the District Attorney, Bronx County, both filed responses opposing the motion. Dkt. No. 15, 17. On August 23, 2021, the Court denied Petitioner's request for a stay, but granted Petitioner another 60 days to either show cause why his claims challenging the imposition of his Bronx County sentences should not be transferred to the United States Court of Appeals for the Second Circuit as second or successive, submit written notification to the Court of his withdrawal

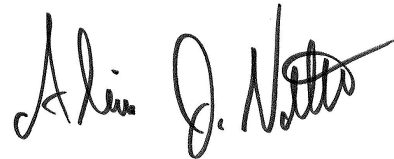
of his remaining claims for § 2254 habeas corpus relief, or submit an amended petition for a writ of habeas corpus under § 2254 that complies with Rule 2(c) of the Rules Governing Section 2254 Cases and satisfies the exhaustion requirement. Dkt. No. 18.

Because the Petitioner failed to respond within 60 days, the Court now orders that Petitioner's claims challenging the imposition of his Bronx County sentences are transferred to the Second Circuit as second or successive and Petitioner's Covid-19 related claims are dismissed without prejudice. *Id.*

The Clerk of Court is respectfully directed to mail a copy of this Order, as well as the Orders at Dkt. Nos. 7 and 18, to Petitioner and note that mailing on the public docket.

SO ORDERED.

Dated: November 24, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a long, sweeping horizontal stroke extending to the right.

ALISON J. NATHAN
United States District Judge